

REMARKS

Claims 1-22 are pending in the present application. Claims 12-16 and 18-20 have been withdrawn from consideration. The Specification, Abstract, Title and claims 1 and 9 have been objected to. Claim 1, 5, 17, 21 and 22 have been rejected under the second paragraph of §112. Claim 1-6, 8-11 and 17-19 have been rejected under 35 U.S.C. §102(a or e) over Mizuno et al. (US Patent 6,569,084). Claim 1-5, 7, 9 and 11 have been rejected under 35 U.S.C. §102(b) over Costella (US Patent 4,696,544). The specification and claims 1-5, 9, 17, 21 and 22 have been amended hereby. Reconsideration of the present application is respectfully requested in light of the above amendments and below remarks.

As an initial matter, Applicants respectfully request acknowledgment of receipt of the claim for priority and the certified copies of the priority documents as submitted with the filing of the present application on December 15, 2003. A copy of the stamped postcard indicating receipt thereof by the USPTO is included herewith for the convenience of the Office.

In paragraph 3 of the Office Action, the Abstract of the Disclosure has been objected to. Applicant's have amended the Abstract in compliance with MPEP §608.01(b). Withdrawal of the objection to the Abstract is respectfully requested.

In paragraph 4 of the Office Action, the Title has been objected to as not being descriptive. Applicants have amended the Title to clearly indicate the invention to which the claims are directed. If the Examiner has any further suggestions for a more descriptive title, Applicants would appreciate such suggestions.

In paragraph 5 of the Office Action, the disclosure has been objected to because of certain typographical errors in connection with the description of the character

designations in Figures 47 and 48. Applicants have amended the specification in order to correct these typographical errors. These changes to the specification do not add any new matter. Withdrawal of the objection to the specification is therefore respectfully requested.

In paragraph 6 of the Office Action, claims 1 and 9 were objected to because of certain informalities. Applicant's gratefully acknowledge the Examiner's helpful suggestions and have amended claims 1 and 9 in accordance with these suggestions. Withdrawal of the objections to claim 1 and 9 is therefore respectfully requested.

In paragraph 8 of the Office Action, claims 1, 5, 17, 21 and 22 have been rejected under the second paragraph of §112. Again, Applicants are grateful for the Examiner's helpful suggestions in helping to clarify the claimed subject matter. Applicants have amended the claims in accordance with the suggestions made by the Examiner. These amendments have been made to correct typographical errors or to correct colloquial English and do not narrow the scope of these claims. Withdrawal of the rejection of these claims under §112, second paragraph, is therefore respectfully requested.

In paragraph 9 of the Office Action, claims 1-6, 8-11 and 17-19 have been rejected under §102 over Mizuno et al. Applicants respectfully traverse this rejection.

An endoscope apparatus of the present invention has a mechanism which detachably links an operation portion of an endoscope apparatus with the insertion portion of the endoscope apparatus. Specifically, independent claim 1 requires "a linking portion which detachably links between a peripheral portion at the proximal opening end of the manipulating device inserting channel and the remote controller." Independent claim 9 requires "a connecting device which detachably mounts the flexible bending operation portion to make the flexible bending operation portion and the insert portion

adjacent to each other." Independent claim 17 requires "a linking portion which detachably links the input device and the intermediate linking portion."

In accordance with the present invention, when the operation portion is thus detachably linked with the insertion portion, the operator can hold the remote controller (operation portion) and the insertion portion with one hand, and operate the apparatus with the other hand. When those members are unlinked, each of them can be operated independently. This feature of the present invention is neither disclosed or suggested by the prior art.

Mizuno et al. discloses that its endoscope manipulation unit 18 is integrally formed with the holding portion 25 which holds an endoscope including the channel 9. Further, the endoscope manipulation unit 18 and the holding portion 25 are held in the endoscope holder 16 (col. 5, lines 35 -62). There is no discussion or suggestion whatsoever that the manipulation unit 18 can be detached from the holding portion 25 or the endoscope holder 16. Therefore, the endoscope manipulation unit 18 is usable only when the endoscope is held, but cannot be used independently.

In contrast, using the present invention, the remote controller and the intermediate linking portion can be independently used, even when they are unlinked. Thus, the present invention differs from Mizuno et al. in structure and situation of use, and is neither anticipated or rendered obvious by the apparatus of Mizuno et al.

Withdrawal of the rejection of the claims of the present application on the basis of Mizuno et al. is therefore respectfully requested.

In paragraph 11 of the Office Action, claims 1-5, 7, 9 and 11 have been rejected under §102 over Costella. Applicants respectfully traverse this rejection.

As described above, the claimed endoscope apparatus of the present invention has a mechanism which detachably links an operation portion of an endoscope apparatus with the insertion portion of the endoscope apparatus. In rejecting the linking mechanism of the claims of the present application, the Office Action points to elements 10 and 22 and the description at co. 5, line 32 through col. 6, line 8. Applicants respectfully disagree.

In Costella, element 10 is merely a holder for the fiberscope and does not perform any linking function between the operation section and the insertion section. In Costella, the operation portion 26 (manipulating the articulation of the guide tube 20) and the insertion portion 20 are all integrally linked via the guide control body 22.. There is no teaching or suggestion that the operation portion 26 can be detached from the guide control body 22, and thus from the insertion section 20. Therefore, the manipulation unit 26 is usable only when the endoscope is held, but cannot be used independently from the insertion section 20.

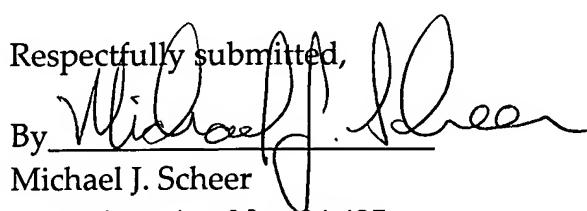
In contrast, using the present invention, the remote controller and the intermediate linking portion can be independently used, even when they are unlinked. Thus, the present invention differs from Costella in structure and situation of use, and is neither anticipated or rendered obvious by the apparatus of Costella.

Withdrawal of the rejection of the claims of the present application on the basis of Costella is therefore respectfully requested..

Applicants have addressed each of the objections to the application. Applicants have furthermore overcome each of the rejections under the second paragraph of §112. Applicants have shown that none of the rejected claims is taught or suggested by Mizuno et al. or Costella. Applicants therefore respectfully submit that the present application is in condition for allowance and such action is earnestly solicited..

Dated: December 8, 2005

Respectfully submitted,

By 
Michael J. Scheer

Registration No.: 34,425
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant



Inventor: Nobuyuki Motoki, et al.

Application No.: 10/633,668-Conf. #5313

Attty Docket No.: S0529.0003

Title: ENDOSCOPE APPARATUS

Documents Filed:

Combined Declaration and Power of Attorney

Claim for priority and submission of documents

English translation of Specification

Priority documents – JP 2002-228936 and

Assignment (and Recordation Form Coversheet)

JP 2003-028831

Information Disclosure Statement

Response to Notice to File Missing Parts of Application (2 pages)

Payment by credit card. Form PTO-2038 is attached (1 page)

Charge \$300.00 to credit card

Via: PTO Daily Run

Sender's Initials: SIW/bi

Date: December 15, 2003

66 12-18-03

